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MISCELLANY.

Injunctions.—Mr. Justice Phillimore of the English High Court of Justice has recently expressed an opinion that the exercise of the power of committal for contempt had been carried too far. In this he follows the late Lord Russell of Killowen who once announced his intention of introducing legislation defining and limiting this important function. In this country criticism has taken the form of "anti-injunction" bills, one of which is pending in Congress and is to be vigorously urged during the coming session by the American Federation of Labor. The President in his message also commends the subject to the attention of Congress. It is unfortunate that the subject has become so soon a political issue between organized capital and organized labor, for conservatism and prejudice are likely to confuse the real issues. Though no one familiar with our system of jurisprudence should approve for an instant the abrogation of the preventive jurisdiction of our equity courts or of the power of summary punishment that alone makes it effective, it is a fact we cannot ignore, that through the growth of the extraordinary power of our courts over our economic development, the injunction is most conspicuous in trade disputes. It has become the visible emblem of the power of judges to limit the efforts toward economic advancement of those who believe themselves a majority. If this sociological duty could be transferred from our courts to our legislatures without depriving the former of functions necessary to the administration of justice in the domain of pure law might it not forestall an attack on the integrity of our courts, which many fear as a result of existing conditions. 'Unfortunately our legislatures still fail to inspire confidence.

The hostility to injunctions has found new support however, for state officials who are seeking to regulate transportation charges, and the example of hasty and inefficient legislation presented by the recent special session of the Alabama legislature, furnishes a powerful argument in support of those who prefer to trust our law making to the courts. Under pressure from the Governor the legislature passed laws which it supposed were "injunction proof," since they provided that in case a railroad applied to a court to test their legality, penalties should be enforced which might well bankrupt the road. The United States Circuit Court promptly enjoined the enforcement of these laws before the state had a chance to collect the penalties under decisions of the Supreme Court which make it clear that such attempts to coerce citizens into an abandonment of their right to appeal to the federal courts are unconstitutional.—Green Bag.